

Collins et al. is not the same invention ("identity of invention") as Applicant's claimed invention and does not anticipate the same under the law pertaining to 35 U.S.C. §102.

[A]nticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, **arranged as in the claim.** ... The issue is decided by identifying the elements of the claims, **determining their meaning in light of the specification** and prosecution history, and identifying corresponding elements disclosed in the allegedly anticipating reference....

An anticipatory reference must **clearly and unequivocally** disclose the claimed invention or direct those skilled in the art to the claimed invention without any need for picking, choosing, and combining various disclosures not directly related to each other by the teachings of the reference. ... [A]n **anticipation must speak affirmatively and with certainty; must disclose the invention without debate;** ... (citations omitted) Idacon Inc. v. Central Forest Products Inc., 3 USPQ2d 1079, 1089 (ED Ok 1986). Accord: Glaverbel S.A. v. Northlake Marketing & Supply Inc., 33 USPQ2d 1496, 1498 (CAFC 1995).

For the reasons set forth herein and in the previous Amendment, the elements of Applicant's claimed invention, as determined or interpreted in light of the specification and drawings, are not anticipated by the cited prior art. Applicant respectfully asserts that the Examiner's anticipation rejection is inappropriate.

The following is a summary of Applicant's invention, provided to assist the Examiner in understanding Applicant's invention. Applicant's invention comprises a customer interface module 70 (the device where the customer's lines are connected) which is selectively detachable and positionable in one of a plurality (two illustrated)

of customer interface module connectors 60, 61, which as illustrated are positioned on respective sides of a shelf assembly 40, which receives a plurality of network interface units in network interface unit connectors 54. The module 70 includes a plurality of connectors 72 (phone jacks) which each correspond and is wired to a specific network interface unit connector 54. Thus, for example, the customer's lines are plugged into the phone jacks 72 on the customer interface module 70, and are thus in turn connected with the service provider's network interface units connected to the respective network interface unit connectors 54. The entire customer interface module 70 is selectively detachable and positionable in either customer interface module connector 60 or 61.

Initially, Applicant repeats and realleges all of the arguments made in the prior Amendment, as though fully stated herein. In response to Applicant's arguments, the Examiner has taken the position that Applicant is attempting to read limitations from the specification into the claims. However, this is not the case. Applicant has merely attempted to define for the Examiner what each claim element is, as shown and described in the specification, to show why the claim limitations do not have a corresponding element in the cited prior art reference(s). The Examiner acknowledges that the claims must be interpreted in light of the specification. In

Applicant's prior arguments, Applicant is simply interpreting the claims in light of the specification.

Accordingly, it is clear that Collins et al. does not meet every properly interpreted claim limitation of Applicant's original Claims 1-3 and 17-19. Again, the issue of anticipation is decided by 1) identifying the elements of the claims, 2) determining their meaning in light of the specification and prosecution history, and 3) identifying corresponding elements disclosed in the allegedly anticipating reference. Idacon, Inc., *supra*.

This three step analysis is applied with respect to **Claims 1, 17 and 19** as follows:

Step 1 (identifying the elements of the claims): The elements of these claims are identified as a shelf assembly 40 having at least two customer interface module connectors 60, 61, and a customer interface module 70 selectively and removably connectable to either of the customer interface module connectors 60 or 61.

Step 2 (determining their meaning in light of the specification): In interpreting or determining the meaning of these elements in light of the specification, it is unquestionable that the claimed customer interface module 70 is the device where the customer lines attach. This is not a limitation being read into the claim, this is simply determining or interpreting what that claim element is. Similarly, it is unquestionable that the claimed two customer

interface module connectors 60, 61 are the two slots where the customer interface module 70 can connect (as best seen in Figures 2A and 2B). Again, this is not a limitation being read into the claim, this is simply determining or interpreting what that claim element is.

Step 3 (identifying corresponding elements disclosed in Collins et al.): Collins et al. does not disclose any corresponding elements to Applicant's two customer interface modules connectors 60, 61 or a customer interface module 70 which is selectively and removably connectable to either connector 60 or 61. Nothing in Collins et al. comes even close to equating to (anticipating) these elements as properly interpreted in light of Applicant's specification. In Collins et al., what would correspond to a "customer interface module" is the plurality of telephone terminals 20 or the additional connector 22 which in turn connects to the terminal block 20 (see Figure 3 and column 5, lines 8-31). However, this block of terminals 20 is not selectively and removable attachable to one of two connectors. In fact, Collins et al. does not disclose, suggest or even contemplate having two connectors for the terminal block 20, wherein the terminal block 20 could be attached in one connector or the other. As such, Collins et al. does not disclose any corresponding elements to Applicant's two customer interface modules

connectors 60, 61, or a customer interface module 70 which is selectively and removably connectable to either connector 60 or 61.

The Examiner mistakenly attempts to equate Collins et al.'s twenty five subscriber interface modules 70 with Applicant's single customer interface module 70. These are very different elements which do not correspond to one another. In Collins et al., each of the terminals of the terminal block 20 (i.e., "customer interface module") is connected to one of a plurality of subscriber line interface modules 70. These subscriber line interface modules 70 generally correspond to the network interface units to be placed in Applicant's network interface unit connectors 54 of shelf assembly 40 (See Figure 2A, 3). Applicant's shelf assembly illustrates fourteen of such network interface unit connectors 54, while Collins et al. has slots for twenty five subscriber interface modules 70, i.e., "network interface units."

The following chart illustrates generally the most closely corresponding elements of Applicant's invention and Collins et al.:

Elements of Applicant's invention	Elements in <u>Collins et al.</u> most closely corresponding to Applicant's elements
Shelf Assembly 40	Network interface section 17
Network Interface Unit Connectors 54 (fourteen illustrated)	Subscriber Interface Modules 70 (twenty five illustrated)

Customer Interface Module 70 (having fourteen telephone terminals 72 to connect to the fourteen network interface connectors 54)	Telephone terminals 20 or 22 (having twenty five terminals to connect with the twenty five subscriber interface modules 70)
Two Customer Interface Module Connectors 60, 61	No such corresponding elements

Accordingly, Collins et al. does not anticipate, i.e., **clearly and unequivocally** disclose the claimed invention or direct those skilled in the art to the claimed invention. Collins et al. does not disclose, suggest or even contemplate a "customer interface module" (i.e., terminal block 20) being selectively attachable and positioned in one of two connectors, i.e., there is not two connectors provided to selectively attach the customer interface device (terminal block) 22 or 20. Collins et al. simply provides a fixed customer interface device (terminal block) 22 or 20 which is attached directly to the enclosure 12, as opposed to Applicant's invention wherein the customer interface module 70 is selectively and removably attachable to the shelf assembly via one of a plurality of connectors 60, 61.

Accordingly, Collins et al. does not meet the limitations of Applicant's claimed invention, and specifically the limitations that there are at least two customer interface module connectors 60, 61 on the shelf assembly, as well as a customer interface module 70 being selectively and removably attachable to either one of the connectors

60, 61. Therefore, Applicant again respectfully requests reconsideration and removal of the Examiner's rejection.

With respect to Claim 3, it is noted that the cover 43 in Collins et al. does not have an opening (see Figure 1). Instead, there is an opening 50 in the bottom wall 38 of the chamber 14. Further, this opening 50 is for a cable, not for a customer interface module as in Applicant's invention. The Examiner again mistakenly equates the subscriber interface module 70 of Collins et al. with the customer interface module of the claimed invention.

With respect to Claim 18, Collins et al.'s cover is hinged at one side, and is not removable. It is not placed or "positionable over" the entire shelf assembly and "removably outward" of the same as in Applicant's invention.

Claims 4 and 6 have been rejected under 35 U.S.C. §102(b) as being anticipated by Bremenour et al. For the following reasons, the Examiner's rejection is respectfully traversed.

Bremenour et al. does not meet every claim limitation of Applicant's Claims 4 and 6. Claim 4 and 6 claim that the shelf assembly 40 has at least two customer interface module connectors 60, 61, and that the customer interface module 70 selectively connects to either of the customer interface module connectors 60 or 61. Bremenour et al. on the otherhand, does not disclose any such corresponding elements. Further, Bremenour et al. discloses a rack

for a control system for machinery and is unrelated and non-analogous to Applicant's shelf assembly for telecommunications network interface units and for interconnecting customer lines with network service provider lines as described and claimed. It is noted that the preamble in Claims 4 and 6 breath life and meaning into the claim and cannot be ignored. "[A]ny phraseology in the preamble that limits the structure of that article or apparatus must be given weight." MPEP §2111.02.

Notwithstanding the non-analogous art, and as best understood in the Examiner's rejection, in Bremenour et al., the I/O modules 25 would roughly correspond to Applicant's network interface units attached in the network interface unit connectors 54. The adapter module 26 in Bremenour et al. would roughly correspond to Applicant's customer interface module 70. The connectors 28 and 29 on adaptor module 26 in Bremenour et al. would roughly correspond to Applicant's amphenol type connectors 74.

However, Bremenour et al.'s adaptor module 26 cannot be selectively connected to one of two connectors. Further, Bremenour et al. does not disclose the use of a plurality of connectors for the adaptor module 26 to connect to the circuit board, i.e., there is not two connectors provided to attach the adaptor module 26 to the circuit board. Bremenour et al. simply provides one fixed location for the adaptor module 26 "along the right hand side plate 2" (see

column 3, lines 58-59), as opposed to Applicant's invention wherein the customer interface module 70 is selectively connected to the shelf assembly via one of a plurality of connectors 60, 61. Note that the relevant connectors are the connectors connecting the module to the shelf assembly, not connections for the customer lines to the module.

Accordingly, Bremenour et al. does not meet the limitations of Applicant's claimed invention, and specifically the limitations that there are at least two customer interface module connectors 60, 61 on the shelf assembly, as well as a customer interface module 70 selectively connected to either one of the connectors 60, 61. Again, anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. Idacon, Inc., supra. In addition to the above deficiencies, there are no customer lines or network service provider lines in Bremenour et al., to which the Examiner refers to as "inherent," contrary to the law pertaining to 35 U.S.C. §102. Therefore, Applicant respectfully requests reconsideration and removal of the Examiner's rejection.

With respect to the remaining rejections of Claims 5 and 7-16 under 35 U.S.C. §103 as being unpatentable over the combination of Bremenour et al. in view of Collins et al., and further in view of other prior art, including unidentified "well known prior art,"

Applicant respectfully states that the above identified deficiencies of Bremenour et al. and Collins et al. remain in the Examiner's proposed combinations, and for the reasons stated above, the Examiner's proposed combinations do not make obvious Applicant's claimed invention. Nonetheless, Applicant reserves the right to further distinguish the Examiner's proposed combinations from Applicant's claimed invention at a later time should it become necessary. Nonetheless, Applicant respectfully requests a citation of a prior art reference showing the alleged "well known prior art" pursuant to MPEP 2144.03.

As described above, neither Bremenour et al., Collins et al., nor the prior art of record, either alone or in combination, fairly teach, suggest or disclose the novel and unobvious features of Applicant's invention as presently claimed. Accordingly, Applicant respectfully asserts that the claims as presented herein are in condition for immediate allowance. An early Notice of Allowance is respectfully requested.

Any arguments of the Examiner not specifically addressed should not be deemed admitted, conceded, waived, or acquiesced by Applicant.

Any additional or outstanding matters the Examiner may have are respectfully requested to be disposed of by telephoning the undersigned.

A Notice of Appeal is enclosed herewith.

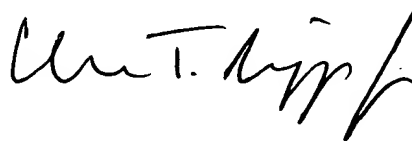
A Petition for an extension of time to make this Response timely is enclosed herewith and respectfully requested.

A form PTO-2038 is enclosed herewith in payment of the Extension fee and the Notice of Appeal fee. The Commissioner is hereby authorized to charge any additional or deficient fees which may be required to Deposit Account 16-0657.

A postcard is enclosed evidencing receipt of the same.

Respectfully submitted,

PATULA & ASSOCIATES, P.C.



Charles T. Riggs Jr.
Reg. No. 37,430
Attorney for Applicant

PATULA & ASSOCIATES, P.C.
116 S. Michigan Ave., 14th Fl.
Chicago, Illinois 60603
(312) 201-8220

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